

08 CV 03115

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/1/08

PETRACO OIL CO. LTD., :
Plaintiff, :
-against- :
PROGETRA SA, :
Defendant. :
X

**ORDER DIRECTING CLERK
TO ISSUE PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT**

EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT

WHEREAS, on March 27, 2008, Plaintiff, PETRACO OIL CO. LTD., ("Plaintiff") filed a Verified Complaint herein for damages amounting to \$783,758.08, and praying for issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and,

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court; and,

WHEREAS, the Court has reviewed the Verified Complaint and the Rule B Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby,

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all claims, assets, cash, funds, credits, wire transfers, accounts, letters of credit, electronic funds transfers, freights, sub-freights, charter hire, sub-charter hire or any other tangible and intangible property belonging to, due, claimed by or being held by or for the Defendant by any garnishee(s) within this District, including but not limited to HSBC (USA) Bank, Bank of America, The Bank of New York, Citibank N.A., JPMorganChase Bank, Standard Chartered Bank, Wachovia Bank N.A., Deutsche Bank AG, Barclays Bank PLC, UBS A.G., Credit Suisse, Nordea Bank Finland PLC, Fortis Bank SA/NV, ABN-AMRO Bank N.V., American Express Bank Ltd., Bank of China, and/or others, in an amount up to \$783,758.08, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims; and, it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and, it is further

ORDERED, that supplemental process specifying other or additional garnissees enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and, it is further

ORDERED, that following initial service upon any garnishee by the United States Marshal or any other person designated or authorized by Order to make service in this action, subsequent and/or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and, it is further

ORDERED, that each garnishee so personally served shall promptly furnish to the United States Marshal or to any other persons designated or authorized by Order to make service in this action, a facsimile number or an e-mail address at which supplemental and/or subsequent service may be made by verifiable electronic means and that such supplemental and/or subsequent service to the designated facsimile number or e-mail address shall be deemed service within this District; and, it is further

ORDERED, that service on any garnishes as described above is deemed continuous throughout the day from the time of such service through the opening of the garnishee's business the next business day; and, it is further

ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing, to accept service by any other means; and, it is further

ORDERED, that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment

Dated: March 3, 2008

SO ORDERED:



Paul H. Kelly
U.S.D.J.



J.